

EXHIBIT A

1 UNITED STATES DISTRICT COURT
2 WESTERN DISTRICT OF WASHINGTON
3 AT SEATTLE

4
5 ARMEN BEEMAN, a single)
individual,)
6 Plaintiff(s),)
7 vs.) 2:19-cv-00924-RSM
8 CITY OF SEDRO WOOLLEY,)
9 Defendant(s).)

10 Video Recorded Deposition Upon Oral Examination of
11 ARMEN BEEMAN

12
13
14 9:58 a.m.
15 March 10, 2020
16 2100 Westlake Avenue North, Suite 206
17 Seattle, Washington
18
19
20
21
22
23

24 REPORTED BY: Mindi L. Pettit, RPR, CCR #2519
25

A P P E A R A N C E S

For the Plaintiff:

RODNEY R. MOODY, ESQ.
Attorney at Law
2707 Colby Avenue, Suite 603
Everett, Washington 98201
(425) 740-2940
rmoody@rodneymoodylaw.com

For the Defendant:

ZACHARY B. PARKER, ESQ.
THOMAS P. MILLER, ESQ.
Christie Law Group, PLLC
2100 Westlake Avenue North, Suite 206
Seattle, Washington 98109
(206) 957-9669
zach@christielawgroup.com
tom@christielawgroup.com

Also Present: Joel Aaron Wright, Veritext Corporation

I N D E X

EXAMINATION BY:	PAGE(S)
MR. PARKER	5

EXHIBITS FOR IDENTIFICATION	PAGE
Exhibit 1 Detail Incident Report of Officer Hannawalt, 4-11-17	50
Exhibit 2 Detail Incident Report of Officer Carroll, 4-11-17	50
Exhibit 3 Thumb drive	50
Exhibit 4 Complaint for Damages	50

1 Seattle, Washington; March 10, 2020

2 9:58 a.m.

3 --oOo--

4 THE VIDEOGRAPHER: Good morning. We're
5 on the record. The time is 9:58 a.m. Here begins
6 Volume 1, Media Unit No. 1, in the testimony of Armen
7 Beeman in the matter of Armen Beeman versus City of
8 Sedro-Woolley for the Superior Court of the State of
9 Washington in and for the County of King, Case
10 No. 2:19-cv-00924-RSM.

11 Today's date is March 10th, 2020. My name is
12 Joel Wright with YOM Veritext corporation. This video
13 deposition is taking place at the offices of Christie
14 Law Group located at 2100 Westlake Avenue North, Suite
15 206, and was noticed by counsel for the defendant.

16 Counsel, please identify yourselves and state
17 whom you represent.

18 MR. MOODY: Rod Moody. I represent the
19 plaintiff in this matter, Armen Beeman.

20 MR. PARKER: Zach Parker. I represent
21 the defendant, City of Sedro-Woolley.

22 MR. MILLER: Tom Miller also for
23 Sedro-Woolley.

24 THE VIDEOGRAPHER: The court reporter
25 today is Mindi Pettit with YOM Veritext corporation.

Page 4

1 Will the court reporter please administer the
2 oath.

3 ARMEN BEEMAN,
4 sworn as a witness by the Certified Court Reporter,
5 testified as follows:

6 EXAMINATION

7 BY MR. PARKER:

8 Q. Good morning, Mr. Beeman. We met off the
9 record. My name is Zachary Parker, and again, I
10 represent the City of Sedro-Woolley in this matter.
11 Can you state and spell your name for the record.

12 A. My name is Armen Beeman, spelled A-r-m-e-n,
13 B-e-e-m-a-n.

14 Q. And have you had your deposition taken before?

15 A. No. I've done an investigation inquiry that
16 was similar, but no, I have not done a deposition.

17 Q. Okay. I'll go over the basics. It's
18 essentially a formal interview where I ask questions;
19 you answer them. The court reporter takes everything
20 down. Because she's taking everything down, we need to
21 be good that I finish my question and then you answer,
22 and vice versa, I'll try not to talk over you as well.

23 A. (Nodding.)

24 Q. Along with that, we need audible answers, so
25 no um-hums or nods of your head. We need affirmative

Page 5

1 A. Immigration law, vehicle stops, the
2 differences, you know, between felony stops, firearms
3 training -- things of that nature.

4 Q. And who put on the classes?

5 A. The US Border Patrol.

6 Q. In New Mexico, you said?

7 A. Yes, sir.

8 Q. And in your current role with the asphalt
9 company, what -- what does your job consist of?

10 A. I drive a -- I have a commercial driver's
11 license and drive a dump truck.

12 Q. Okay. Where were you employed on April
13 10th -- this is the day before the -- the incident that
14 this lawsuit's around -- on April 10th, 2016?

15 A. The US Border Patrol station at Sumas,
16 Washington.

17 Q. Okay. And what were your job duties?

18 A. Patrol and monitor the border, looking for
19 signs of illegal entry or -- of both persons and goods
20 and materials.

21 Q. And when did you start working there?

22 A. In December of 2010, I believe.

23 Q. And when -- when did you stop working there?

24 A. December 19th, 2017, I believe.

25 Q. '17, okay. Was honesty a -- a big part of

1 that job?

2 A. Of course.

3 Q. And if you engaged in an act of dishonesty,
4 would you be subsequently fired from that job?

5 A. It was a potential outcome.

6 Q. And why do you say "potential"?

7 A. I don't know that it occurred in every
8 instance on every matter, but we were obviously taught
9 that if it was a lie and if it was something where you
10 were no longer considered to be honest and you couldn't
11 be relied upon in testimony, that then you could no
12 longer be called as a reliable witness.

13 Q. And why did you leave that job in December of
14 2017?

15 A. The border patrol fired me. They terminated
16 me based on the determination that was stemming from
17 this event.

18 Q. Can you explain that further.

19 A. The -- the border patrol made a determination
20 to terminate me based on what happened on the morning
21 of April 11th, 2016. And because of that, they made
22 the decision to terminate me.

23 Q. And did they tell you that? Is that -- who
24 told you that?

25 A. I believe Deputy Chief Halliday was the one

1 who -- I was brought into an office -- who delivered
2 that news to me.

3 Q. And what did he say?

4 A. He said that, according to the last chance
5 agreement, that you will -- that you have -- you are
6 terminated and that you have no rights to appeal that
7 decision or anything further. And so you'll be
8 escorted to your locker to get your things and -- and
9 removed from the building.

10 Q. And in that meeting, did he give the reasons
11 behind the decision to terminate you?

12 A. No, sir.

13 Q. So, earlier when you explained that you -- is
14 it that you believe the April 11th -- the incident on
15 April 11th with the Sedro-Woolley Police Department is
16 the reason?

17 A. No, it was specifically cited.

18 Q. Oh, in -- in a document?

19 A. Yes, sir.

20 Q. Oh, okay. And when --

21 A. I believe, yes, sir. That's my -- that's -- I
22 believe I have that document or that . . .

23 Q. And how did that come into place?

24 A. That was what I was presented with.

25 Q. A document listing that this -- that this

1 April 11th incident is the basis for their -- your
2 termination?

3 A. Yes, because of the determination to terminate
4 from the Sedro-Woolley event -- that that was being
5 enacted and that was what I was being terminated . . .

6 Q. You -- you mentioned a last chance agreement?

7 A. Um-hum.

8 Q. What is that?

9 A. They made the decision to terminate me, and
10 once they made that decision, I then had an opportunity
11 to appeal that decision. I appealed that decision. It
12 was a verbal appeal with the determine -- the deciding
13 official, Chief Chris Bippley.

14 And once I got through that phase, then they
15 put forward a decision to terminate -- a
16 determination -- sorry, a determination letter with a
17 decision to terminate.

18 It included a last chance agreement, which was
19 if I was willing to forgo any union rights to appeal,
20 which -- if I was willing to forgo any union rights to
21 appeal this decision and I signed it, I would sign a
22 third -- I would serve a 30-day unpaid suspension.

23 And then for two years, I would have to keep a
24 clean record of conduct. And if I didn't sign it, I
25 would be terminated immediately based on the decision

1 to terminate from Sedro-Woolley.

2 Because of the financial hardship that this
3 had put me under, with reduced income and just the cost
4 of fighting it through the -- through the criminal
5 courts. And I was going through a divorce at the time
6 and so the expenses of that.

7 I was put in a situation where my choices were
8 either to be immediately terminated and hope that the
9 union would be able to appeal it -- and the waiting
10 list for the union to work its way through appeals was
11 anywhere from one to two years. Nobody could give me
12 any time frame. So my choices were I was either
13 terminated immediately or I could sign this agreement
14 and hope to retain my job and not have any future
15 issues.

16 So I served the 30-day suspension. And then
17 the week that I came back to work, the border patrol
18 made an accusation that I had already violated it and
19 then resurrected the determination from the City of
20 Sedro-Woolley event and that was the grounds for
21 terminating me.

22 Q. And I just want to understand the time line.
23 It sounds like your -- your last day -- or this -- the
24 date you were officially terminated --

25 A. Um-hum.

1 Q. -- was in December of 2017?

2 A. Yes, sir.

3 Q. And can you explain just --

4 A. I may be -- I apologize. If you have notes on
5 it, you might be able to find whether it's 2017 or
6 2018. I apologize. It was right before the new year,
7 so I've lost -- I'm not -- right now, I'm not correctly
8 remembering, so . . .

9 Q. And that's okay. I just want to understand
10 the series of events, and if you can just kind of
11 estimate when they occurred, that's -- that's okay.

12 A. Okay.

13 Q. So it sounds as though your superiors came to
14 you. What was the first event that led to your
15 termination?

16 A. The first event was the arrest by the City of
17 Sedro-Woolley that, at the very end of August or the
18 very start of September, came back with a decision to
19 terminate with the last chance agreement.

20 Q. In what year?

21 A. 2017.

22 Q. 2017?

23 A. The same year I was terminated, yes, sir.

24 Q. Okay. And then what did you do?

25 A. Then I accepted the last chance agreement in

1 an attempt to save my job. And then I served a 30-day
2 suspension, from approximately September 10th to
3 October 10th. And then that week that I came back,
4 somewhere around the 15th, the border patrol said you
5 violated the last chance agreement. And it took them
6 until December to terminate me.

7 Q. Okay. And what did they allege you did to
8 violate the last chance agreement?

9 A. They made the allegation that I improperly
10 accessed fuel -- gas in order to fuel the pressure
11 washer to wash the station, which is what I was doing
12 while I was on administrative duties because of the
13 Sedro-Woolley event.

14 Q. So ultimately the basis for them finding that
15 you violated the last chance agreement and terminate --
16 and them terminating you was that you violated the last
17 chance -- that they alleged that you violated the last
18 chance agreement by improperly fueling the pressure
19 washer?

20 A. Yes.

21 Q. Oh, okay. I misunderstood. Earlier I thought
22 it was the Sedro-Woolley event. But the Sedro-Woolley
23 event, it sounded like, was the first -- that -- that
24 led to the last chance agreement, and then you were
25 reinstated in a certain capacity with customs and

1 border patrol?

2 A. It is my belief now that the border patrol
3 used the Sedro-Woolley event to put me in a spot where
4 I signed away my rights to union representation. And
5 once I had done that, then they terminated me. That
6 there was -- there was no cause, other than the City of
7 Sedro-Woolley event. And then them finding a way to
8 terminate me without me having a way to fight it.

9 Q. And that is your belief, but not what they
10 represented to you?

11 A. Correct.

12 Q. Okay. This last chance agreement, was that --
13 strike that.

14 Was the last chance agreement something that
15 was in place on April 11th, 2016?

16 A. No, sir.

17 Q. It -- it was simply a part of the employment
18 action that they took against you in terminating you?
19 That was very poorly worded. I apologize. You did not
20 have this last chance agreement until roughly September
21 of 2017?

22 A. Correct.

23 Q. Okay. Thank you. Did you receive a -- any
24 sort of writing, email or otherwise, by the customs and
25 border patrol indicating that they were ultimately

1 terminating you for violation of the last chance
2 agreement due to this improper fueling?

3 A. I believe the effect of the letter is, we are
4 alleging that this improper access of fuel violates the
5 last chance agreement. And the last chance agreement
6 is that there be nothing -- or we are exercising the
7 determination made from the April 11th Sedro-Woolley
8 event.

9 Q. Had you previously received any disciplinary
10 action while you were working for customs and border
11 patrol?

12 A. Yes, sir.

13 Q. Can you explain what those -- what those
14 events were.

15 A. In July of 2014, I dropped my motorcycle on my
16 ankle and broke it. And through a series of events,
17 several hours later, an officer came to the emergency
18 room that I was at and put me through the process of a
19 DUI investigation.

20 The DUI investigation was later dropped. And
21 I did end up pleading guilty to a traffic infraction
22 for failure to control my vehicle. And I believe that
23 carried like a \$500 fine -- something like that.

24 And so I served -- that was a conduct
25 unbecoming investigation with the border patrol. And

1 that resulted in a three-day suspension.

2 Q. And when you say "traffic infraction," was
3 that a municipal infraction or something within customs
4 and border patrol?

5 A. Municipal.

6 Q. Okay.

7 A. Municipal, yes, sir.

8 Q. Okay. Any other disciplinary actions?

9 A. I believe it's not supposed to be part of the
10 record any longer, but I did injure my head at the
11 basic training academy and received a written reprimand
12 about off-duty behavior.

13 Q. And were you driving under the influence of
14 alcohol or narcotics when you dropped your motorcycle?

15 A. No, sir.

16 Q. Okay. Any other disciplinary actions?

17 A. I don't believe any of them -- I -- there are
18 little educational opportunities along the way. I
19 don't believe they are considered disciplinary actions,
20 so I don't believe that there are any others.

21 Q. So just the motorcycle and the event at basic
22 training?

23 A. Yes, sir.

24 Q. Okay. The -- the -- taking one step back, why
25 do you believe that the April 11th Sedro-Woolley event

1 was the original basis for them taking disciplinary
2 action against you in roughly September of 2017?

3 A. Well, I think it's pretty clear that when a --
4 a determination to terminate is made and you put a
5 person in a position of you either accept a last chance
6 agreement or you're terminated from a job that pays six
7 figures a year and that person has bills and, you know,
8 kids to support and things like that.

9 And then within days of coming back from that
10 suspension, that that same determination -- that
11 decision to terminate is enacted, that it's pretty
12 clear that the person never had a fair chance or, you
13 know, stood a fair shake at moving forward with their
14 life.

15 Q. And my question was just slightly different.
16 That first action taken against you in 2017 --

17 A. Um-hum.

18 Q. -- I believe you said September -- what were
19 you told what -- how do you come to the conclusion that
20 what happened in April of 2016 with the Sedro-Woolley
21 Police Department -- that was the basis of their action
22 taken against you?

23 A. I'm still confused by what you're saying.

24 Q. I apologize. Did anyone represent to you that
25 what happened with Sedro-Woolley Police Department is

1 the reason they were originally taking steps -- adverse
2 steps against your employment?

3 A. Yes.

4 Q. Okay. And who did that?

5 A. The moment that you have an interaction with a
6 police officer, we are required to report that to the
7 border patrol. So, whether the officers that night had
8 contacted my supervisors, I would have had to. That
9 begins a conduct unbecoming investigation. And so
10 simultaneously, while the criminal case was moving
11 forward, a conduct unbecoming investigation was going
12 on.

13 I believe you probably have notes about an
14 Agent Simpson and a Special Agent Nicholson in -- that
15 are sporadically throughout the materials for this
16 case -- that they were in contact with the chief of
17 Sedro-Woolley and the prosecutor for Sedro-Woolley.
18 And so I was simultaneously going through a criminal
19 case and a conduct unbecoming investigation. And the
20 result of that conduct unbecoming investigation was the
21 determination to terminate.

22 Q. And then ultimately the last chance agreement
23 was because of -- the reason they gave was because of
24 the fueling incident?

25 A. Correct.

1 Q. So is it fair to say that the April 11th, 2016
2 incident was not the only basis for your termination?

3 MR. MOODY: Object to the extent it's
4 calling for a legal conclusion.

5 Answer to the extent you can.

6 A. I believe that the decision was already made
7 to get rid of me and that they had found a way to
8 terminate me because of the Sedro-Woolley event and
9 then get it enacted without my due process through my
10 union by getting me to sign the last chance agreement.

11 So there was no future as -- as one attorney
12 has told me, the last chance agreement is so flimsily
13 written that I could have filled out some paperwork in
14 blue ink and they could have come to me and said you
15 didn't fill this out in black ink; you're fired.

16 And that's sort of what I'm saying, is what
17 occurred here is that my due -- the last chance
18 agreement was merely to get me to not have due process
19 rights with my union to protect my job from the
20 Sedro-Woolley event.

21 Q. (By Mr. Parker) And you voluntarily signed
22 away those -- that union representation, correct?

23 A. As I said, with the, you know, housing costs
24 and child care costs and things like that, to go from a
25 six-figure income to out of a job, you know, that

1 day -- let's -- let's use September 5th as the date
2 before the last chance agreement was signed. My
3 choices were either to be terminated and have no job
4 and no income and no opportunity to advance in either
5 federal government employment or law enforcement after
6 a termination from federal government -- from federal
7 law enforcement. And so I -- I wouldn't say free will
8 was involved at all. That the pressures of life -- it
9 was only merely an opportunity to try to preserve my
10 job.

11 Q. And I understand there were other factors, but
12 you actually did make the choice to sign this document?

13 A. It's a loose word -- loose use of the word
14 "choice," but yes.

15 Q. And I -- I don't mean to harp on this, but for
16 instance, you could have made another choice, which it
17 sounds like you would have -- your life would have been
18 harder or that you believed it would have been more
19 difficult, but ultimately you decided that the better
20 choice was to sign this document, and you chose to sign
21 this document?

22 A. That's correct.

23 Q. Okay. Are you suing the border patrol for
24 wrongful termination?

25 A. I am suing them for wrongful termination, yes.

10am Armen Beeman - March 10, 2020

1 Q. And in what court?

2 A. I believe it's awaiting appointment with a
3 federal judge in the San Francisco area.

4 Q. Did you tell your supervisors that this arrest
5 occurred -- the April 11th, 2016 arrest occurred?

6 A. Of course.

7 Q. Okay. And how did they respond?

8 A. As you know from reading the police reports,
9 Officer Shawn Harlan -- or agent -- Supervisory Agent
10 Shawn Harlan came to retrieve the gun. He was
11 accompanied by another agent. I spoke with them
12 briefly outside of the Sedro-Woolley police station.

13 They simply let me know that there was a
14 recording of some kind. And, you know, of course,
15 there was going to be a process, and you know, it was a
16 very calm, casual conversation that I already expected
17 to hear. So he was not only notified by the Sedro
18 Police, but by myself that very morning.

19 Q. Okay. Did you notify them in any other way?
20 Was there some sort of customs and border patrol form
21 you would fill out?

22 A. I do not believe so.

23 Q. Okay.

24 A. I believe they just get the ball rolling at
25 that point.

1 Q. Do you allege that there was anything improper
2 about the way -- about Sedro-Woolley Police Department
3 personnel providing information to border patrol?

4 A. That is part of the allegation, yes. That --
5 that --

6 Q. And what --

7 A. Verbal statements by Pat Hayden. And then a
8 written letter by Chief Lin Tucker -- both after -- at
9 the conclusion of the criminal trial were continuingly
10 detrimental to my conduct unbecoming case with the
11 border patrol.

12 Q. And Pat Hayden was the prosecutor in this
13 case. He didn't actually work for Sedro-Woolley Police
14 Department, correct?

15 A. I'm not sure how the breakdown works.

16 Q. What are you alleging was improper?

17 A. One of the comments that Mr. Hayden made was
18 that he believed that the jury was swayed by
19 instructions the judge gave him. The instructions were
20 the legal and lawful instructions to help them in their
21 determining my case.

22 The way Pat references them makes it sound
23 like maybe they were tricked into their -- maybe that
24 they were tricked into their decision-making. The
25 border patrol used that phrase -- or the way he phrased

1 that to further detrimental -- to further detriment in
2 my conduct unbecoming case.

3 They also referenced the letter from Chief Lin
4 Tucker. And there are things in law enforcement that
5 are somewhat specific to it -- and you might be
6 familiar with it, but -- the creation of nexus, that --
7 that my arrest somehow negatively impacted the ability
8 of the US Border Patrol to interact with local police
9 departments -- in this case, the Sedro-Woolley Police
10 Department.

11 There was no reason to increase the level of
12 nexus or to believe that there would be any ongoing
13 problems of working together for the rest of the agency
14 or the rest of the agents or even for myself under
15 official conduct doing official duties. There's no
16 reason for any of it.

17 And after being found criminal -- after being
18 found not guilty resoundingly on a Friday, I believe
19 the date of the letter from Lin Tucker was the
20 following Monday. So, not only had he already lost the
21 criminal case, he chose to continue to affect my
22 career.

23 Q. And do you contend that any of the information
24 that the chief gave was false information?

25 A. I believe it was based on bad information that

1 he received from his officers.

2 Q. But was any of it false? And I can -- I can
3 rephrase my question slightly.

4 A. I'd have to reread the letter again. He -- he
5 made the suggestion that I perhaps not be allowed to
6 keep my job, but if I were, that I not be allowed to
7 enter the City of Sedro-Woolley limits on official duty
8 without being accompanied by somebody else, which would
9 all be detrimental -- or derogatory information in a
10 conduct unbecoming case.

11 Q. And I understand that what he -- what Chief
12 Tucker may have said was unflattering, but was any of
13 it false?

14 A. It was grossly misrepresented by the reports
15 of the officers that he was given and the information
16 that he should have been aware of that came out from
17 the case as it approached and went to trial and then
18 went through trial. It -- it certainly should have
19 never occurred.

20 Q. Can you tell me every piece of information
21 that you claim the chief conveyed that was bad.

22 A. As I said, it's detrimental to my job if the
23 border patrol believes that I'm not capable of
24 performing my job. And if I need accompaniment to go
25 into areas where there's sub -- basically that he's

1 creating the impression that there's a reason why I
2 couldn't continue forward functioning in my job duties
3 as if it had never happened.

4 Q. And I understand that it was detrimental, but
5 what I'm asking is what was -- what did he -- you're
6 alleging that he said bad things. What was every --
7 everything he said that was bad?

8 A. As I said, that I could not enter the City of
9 Sedro-Woolley on official conduct -- on official
10 business without having somebody accompanying me.
11 Like -- and I -- like I said, I would have to reread
12 the letter in order to maybe pick out if there's any
13 other things. But -- but the purpose of his letter was
14 to continue to have an effect -- a derogatory effect on
15 my position with the border patrol.

16 Q. Okay. So, as you sit here --

17 A. Um-hum.

18 Q. -- you -- you cannot tell me any information
19 that anyone from the Sedro-Woolley Police Department
20 gave to customs and border patrol that was false?

21 A. Good parts of the police reports are false.

22 Q. Okay. And we'll get into that. Is -- but as
23 you sit here today, you can't tell me anything that
24 Chief Lin Tucker said that -- and I'm quoting you --
25 pieces of information that were bad?

1 A. It is false that I cannot continue to conduct
2 my law enforcement duties in a professional manner in
3 the City of Sedro-Woolley without having somebody else
4 accompanying me, so that is false.

5 Q. So that sounds like what you're referencing is
6 a recommendation by Chief Tucker -- not any sort of
7 actual information about you, but something that he was
8 recommending to customs and border patrol?

9 A. In an attempt to -- that's correct, in an
10 attempt to further harm my status with my employer.

11 Q. And that's something you believe, correct?
12 Nothing that Chief Tucker ever said to you or was
13 written anywhere?

14 A. It's pretty obvious.

15 Q. But my question is did anyone from the
16 Sedro-Woolley Police Department convey that to you?

17 A. The United States Border Patrol conveyed that
18 to me.

19 Q. That Sedro-Woolley wanted to adversely affect
20 your employment with customs and border patrol?

21 A. That they had adversely affected my
22 employment.

23 Q. Okay. But my question is did anyone from
24 Sedro-Woolley Police Department ever convey to you that
25 they were attempting or wanted to adversely affect your

1 employment with customs and border patrol?

2 A. Yes, sir.

3 Q. Okay. Who?

4 A. Two persons, Officer Holmberg and Officer
5 Hannawalt.

6 Q. And what did -- how did they convey that to
7 you?

8 A. Following my arrest, while I was handcuffed
9 and in the back of Officer Hannawalt's police car,
10 Officer Holmberg was admonishing me for daring to
11 question Officer Hannawalt's activities that night.
12 And one of the things they said was I don't think guys
13 like you should be allowed in -- to work in law
14 enforcement. And Officer Hannawalt followed that up by
15 saying hopefully this fixes that.

16 Q. Okay. You agree that the chief and no one
17 else for the City of Sedro-Woolley had any authority
18 over your job at US -- at customs and border patrol?

19 A. Anybody who makes a complaint has an effect on
20 another person.

21 Q. Rather, my question is did they have any
22 authority to fire you?

23 A. Chief Lin Tucker did not have the authority to
24 fire me, no.

25 Q. Did any of the individual officers in this

1 case?

2 A. None of them had the authority to fire me.

3 Q. Did anyone from the City of Sedro-Woolley have
4 any authority over your job at customs and border
5 patrol?

6 A. Any time a complaint is made, the border
7 patrol investigates the validity of that complaint, and
8 if they find that there is sufficient in -- information
9 to fire an employee, an agent, then that is the
10 outcome.

11 Q. And I guess you're kind of hitting on my
12 question here, which is customs and border patrol has
13 sole authority over your job with customs and border
14 patrol, correct?

15 A. Correct.

16 Q. Okay. And they investigated the matter?

17 A. Yes, sir.

18 Q. And they determined it was valid?

19 A. Yes, sir.

20 Q. Okay. And by -- by the "matter," I mean,
21 the -- everything detailed in the police reports from
22 April 11th, 2016?

23 A. Yes, sir.

24 Q. Okay. So they exercised their own judgment
25 in --

1 A. Yes, sir.

2 Q. Okay. And ultimately they concluded that the
3 officers investigated this and that you had acted in
4 some way inappropriately and that the police reports
5 were valid?

6 A. That was the conclusion they made.

7 Q. Okay. One or two last questions on this
8 matter. This happened in April of 2016. And -- and
9 you're alleging that the first adverse employment
10 action against you was in September of 2017, correct?

11 A. That's right. I apologize. Like I said, I've
12 made -- I've made this mistake in my head where,
13 because the termination happened in December of the
14 year, I'm sometimes forgetting to go back -- or forward
15 or back that one digit number between 2017, 2018. So I
16 apologize.

17 This -- this Sedro-Woolley event was April
18 11th, 2016. I believe it was just before New Year's
19 2018 that I was terminated. But, again, I don't have
20 my notes with me. If I had them, I'd -- I'd make sure
21 I was getting those dates accurately.

22 Q. I understand to a certain extent you're
23 guessing. That's okay. Because you do believe that
24 this incident ultimately led to adverse employment, I'm
25 wondering why it took well over a year, possibly over

1 out. And it was too late to go replace the headlight.

2 I got down there. No words were exchanged,
3 nothing like that. There was no problems. The
4 gentleman had another beer or two and then left. Just
5 me being there talking with Kira was enough to keep him
6 quiet over in the other corner.

7 After I had a beer or two, we began talking
8 about how we wanted to play the rest of the night. I
9 needed to be at an appointment with my divorce attorney
10 in Bellingham the next morning at 10:00 a.m., and she
11 didn't have a need for her vehicle, but they were both
12 parked right down outside of the Bullpen.

13 So she said, well, I still have to work, and
14 you know, I've got a few hours left here, but if you
15 want to keep drinking, I can give you a ride home. And
16 we'd just go up to her house in Lyman. And so I said
17 okay. And had a couple more beers between then and
18 about midnight.

19 She closed the bar down about midnight, and
20 she still had to, you know, wipe down the counters and
21 things like that. So I helped her with that, you know,
22 moving the chairs around, wiping down the tables while
23 she counted out the money and restocked the bar.

24 And she -- at some point during the evening,
25 she made the comment that after she got off work, she

1 would like to go over to Old Timers -- that there was a
2 gal working there that she's friends with that she
3 wanted to pop in and say hi to. And it would be nice
4 to have a beer with me and just sit down and talk for a
5 few minutes before we went home.

6 So, because I needed my car earlier the next
7 day than she needed her car and she has friends who
8 would be able to pick her up and give her a ride home,
9 we made the conscious decision to drive my vehicle even
10 though the headlight was out. We left the Bullpen. We
11 went over to Old Timers. We drank one Guinness each
12 and then left Old Timers and started driving home
13 towards Lyman.

14 It was on the way home that we passed Officer
15 Hannawalt. He --

16 Q. And I'll -- I'll ask about that in just a
17 second. You just said a lot. I want to unpack a few
18 things.

19 A. Okay.

20 Q. Okay. So you testified, but -- you knew,
21 while driving down to Sedro-Woolley, that you were
22 driving a vehicle with a headlight out?

23 A. Correct.

24 Q. Okay. Had you been drinking at home prior
25 to --

10am Armen Beeman - March 10, 2020

1 A. No.

2 Q. Had you taken any narcotics?

3 A. No, sir.

4 Q. Okay. So how many beers do you estimate you
5 had -- or, rather, how many beers did you have before
6 going to Old Timers?

7 A. In the evening, including the Guinness, I
8 would say, it was between four and five beers. I don't
9 drink very much, and I don't drink very heavily when I
10 do. So, you know, the -- the fad nowadays is the
11 microbrews -- you know, all of the tap beers that are
12 tasty.

13 So I -- as I said, I got to the Bullpen
14 after -- about 9:00 -- approximately 9:00 p.m. I
15 had -- I would say, I had three or four beers there
16 between 9:00 and midnight. And then -- and then you
17 add the one Guinness that I had over at Old Timers. It
18 would be four to five. I don't know if it was four. I
19 don't know if it was five. But it was somewhere in
20 that range.

21 Q. Did you consume any liquor?

22 A. No, sir.

23 Q. Okay. So just those beers?

24 A. Yes, sir.

25 Q. Do you smoke marijuana?

1 A. No, sir.

2 Q. Or do you ingest it in any way?

3 A. No, sir.

4 Q. Did you smoke or ingest marijuana on April
5 10th?

6 A. No, sir. I'm a federal law employee -- I'm
7 federal law enforcement, and that would be illegal and
8 a -- immediate cause for termination.

9 Q. Did you consider yourself impaired in any way
10 on April 11th when leaving Old Timers?

11 A. We made the appropriate decision that I had
12 had enough that I shouldn't be driving.

13 Q. And, sorry, my question was a little
14 different. Did you consider yourself impaired in any
15 way?

16 MR. MOODY: Objection to the extent it's
17 calling for a legal conclusion.

18 Again, go ahead and answer.

19 A. I am not sure what -- I'm not -- I'm not sure
20 when you cross between being sober, having a drink, and
21 becoming impaired to the point where you can't
22 function -- like where that line delineates.

23 So I was not unaware of what was going on
24 around me. I was capable of making decisions. I was
25 smart enough not to be behind the wheel of a vehicle.

1 But whether or not I was impacted by alcohol, I won't
2 deny that I drank four to five beers and whatever
3 effect that might have had on me may have existed.

4 Q. (By Mr. Parker) You say it was smart not to
5 drive. Why was -- why was it smart?

6 A. Because the potential of getting into a
7 situation with a DUI, especially given -- I think
8 everybody would be well aware of the time of night and
9 a headlight out. And a headlight is a -- is probable
10 cause to make a vehicle stop. It's very likely that
11 that could occur.

12 Q. Do you know if you were intoxicated?

13 A. As I said, I don't know where that begins or
14 ends.

15 Q. Do you believe you would have passed a
16 breathalyzer test?

17 A. I don't know.

18 Q. I guess, more colloquially, were you buzzed?

19 A. I definitely felt --

20 MR. MOODY: I'll object to the form of
21 the question.

22 Go ahead and answer, if you can.

23 A. I definitely had some feelings of the alcohol,
24 yes.

25 Q. (By Mr. Parker) Okay. And what were those

1 feelings?

2 A. Just kind of a lowered stress, more carefree.

3 I -- I really don't know how to describe that, I guess.

4 Q. Do you become agitated when you drink?

5 A. Not typically, no.

6 Q. But it's happened before?

7 A. Of course.

8 Q. Has anyone ever expressed concern in that
9 regard?

10 A. The only person who has ever questioned my
11 drinking was my ex-wife because of the impact it would
12 have on a divorce process. Other than that, it's never
13 been brought up.

14 Q. When was the last time you got agitated when
15 you were drinking?

16 A. Probably April 11th, 2016. I don't -- again,
17 I don't drink very much. I don't drink very often, and
18 I don't drink very much when I do.

19 Q. Okay. But you were agitated that evening
20 after drinking?

21 A. After observing what I observed, yes, I became
22 increasingly agitated over the situation.

23 Q. What did Ms. Syester drink on April 10th and
24 11th? What alcohol did she drink?

25 A. One can of Guinness.

1 want my answer to be anything different than we didn't
2 talk about it. So then we just talked about, you know,
3 it being cold and standing far enough away from your
4 doors to smoke cigarettes and things like that.

5 Q. Thank you.

6 A. No problem.

7 Q. We appreciate that. Before Officer Hannawalt
8 pulled you over, where were you headed?

9 A. Home. To Kira's house.

10 Q. And why did Kira drive your car and not the
11 other way around? Why didn't she drive her own
12 vehicle?

13 A. Because I needed my vehicle to leave the area
14 before 9:00 a.m. where she wouldn't have to do anything
15 involving a vehicle until later in the afternoon, so
16 she had time to recover her vehicle some other way.

17 Q. Okay. How long had you been driving before
18 you were pulled over?

19 A. Couple minutes.

20 Q. Okay. Do you agree that the defective
21 headlight is a lawful basis for initiating a traffic
22 stop?

23 A. Yes, sir.

24 Q. Okay. So your -- the initial stop of the
25 vehicle, you agree was lawful?

1 A. Yes, sir.

2 Q. Okay. As someone who worked in law
3 enforcement, were you aware of any inherent safety
4 risks to police officers that accompany traffic stops?

5 A. Yes, sir.

6 Q. What are those risks?

7 A. Any time you're out on the side of a highway,
8 there's the possibility that another vehicle could come
9 by and a person could be struck. Things like that.
10 The -- the passengers in the vehicles becoming violent
11 and assaulting an officer, for example. So there are
12 things that you have to consider.

13 Q. An occupant could be armed?

14 A. Yes, sir.

15 Q. An occupant could try and flee?

16 A. Yes, sir.

17 Q. An occupant could try and fight an officer?

18 A. Yes, sir.

19 Q. Okay. Do you agree that at night, it's harder
20 to see inside of a vehicle?

21 A. Yes, sir.

22 Q. Do you agree that it's reasonable for a law
23 enforcement officer to be cognizant of these risks when
24 initiating a traffic stop?

25 A. Of course. It would be part of the job.

1 Q. Okay. Do you agree that officers are charged
2 with maintaining control of a traffic stop?

3 A. Yes, sir.

4 Q. Okay. As you were pulling off the side of the
5 road, what did you and Ms. Syester discuss?

6 A. Obviously it's for the headlight and if he's
7 nice, it will just be, okay, get it fixed. And
8 otherwise, it could be an infraction for a broken
9 headlight.

10 Q. Did you discuss the fact that she had just
11 finished drinking alcohol?

12 A. No. No, sir.

13 Q. Were you nervous about that at all?

14 A. No, sir, not at all.

15 Q. Once pulled over, what happened? Once you
16 were pulled over, what happened?

17 A. Once we were pulled over, Kira rolled down her
18 window. Officer Hannawalt approached the vehicle,
19 introduced himself, and asked if we knew why -- why we
20 were being stopped. And, of course, you know, their
21 sheepest (sic) answer of the headlight, you know, was
22 the response that Kira and I probably both gave, you
23 know, sort of, yeah, we know the headlight is out. We
24 apologize.

25 Q. Did you announce that you have a service

1 weapon?

2 A. Not at that moment.

3 Q. When did you announce that you have a service
4 weapon?

5 A. Officer Hannawalt said, okay, good, as long --
6 something along the lines of, okay, as long as you
7 already knew about it. And he's like may I see your
8 license, registration, and proof of insurance? And
9 that -- at that point, Kira said -- I -- I had tried to
10 explain to Kira that because my service weapon was in
11 the vehicle, the phrase she should try to use is for
12 your safety and awareness, my service weapon is in the
13 locked glove box, where the -- the registration and
14 proof of insurance are. So she said something that was
15 close to that, but not verbatim.

16 And so, when Officer Hannawalt asked for
17 license, registration, proof of insurance, Kira said,
18 okay -- something similar -- but for your safety and
19 awareness, my boyfriend's service weapon is in the
20 locked glove box. And then he said, okay, then if I
21 could get the documents for, you know, your -- I
22 believe different agencies have different names for
23 them. We call them credentials, so I'll use that. But
24 he said can I see your credentials for the -- for the
25 firearm too?

1 And so I retrieved my -- my badge and my
2 credentials out of my back pocket. I handed that to
3 Kira who then handed that and her driver's license to
4 Officer Hannawalt, and he said it was okay to get into
5 the glove box. So Kira removed the key from the
6 ignition and handed it to me so I could unlock the
7 glove box and get the registration and proof of
8 insurance.

9 Q. And I'm going to hand you what's been marked
10 as Exhibit 1 -- make sure I'm correct on that. This is
11 Officer Hannawalt's narrative.

12 MR. PARKER: And, Counsel . . .

13 Q. (By Mr. Parker) The last sentence on the
14 first page here -- on the first paragraph, sorry.
15 Officer Hannawalt says, "While approaching the driver's
16 side door, I saw a female's hand extended out of the
17 window with a driver's license and a gold border patrol
18 agent badge." Did I read that correctly?

19 A. Yes, you did.

20 MR. MOODY: I'm sorry, Counsel, where
21 are you?

22 MR. PARKER: Sorry, the first paragraph,
23 last sentence.

24 MR. MOODY: Oh, okay. Thank you.

25 MR. PARKER: Yeah.

10am Armen Beeman - March 10, 2020

1 Q. (By Mr. Parker) It sounds like you -- you --
2 do you disagree with this?

3 A. Absolutely. That's just a lie.

4 Q. And -- and why do you believe he would lie?

5 MR. MOODY: Object as to speculation as
6 to why somebody might lie.

7 Go ahead and answer, if you have an answer.

8 A. There are a number of things that Officer
9 Hannawalt did that night that I take issue with. And
10 part of my concern with what was occurring was that I
11 know that the report writing phase becomes what is
12 referenced and having to undo what he writes is a
13 problem. I also believe that it's indicative of his
14 report to try to make it as detrimental to my law
15 enforcement career.

16 An act that he describes right there is what
17 we call badging -- using a person's authority to try to
18 get improper preference -- preferential treatment.
19 That in itself is grounds for discipline. I believe
20 that there are a number of things that are in this
21 report that are in there for no other purpose than to
22 specifically make it harder for me and my conduct
23 unbecoming investigation. And that's just the first.

24 Q. (By Mr. Parker) Okay. Looking at Hannawalt's
25 report, can you tell me everything in this report that

1 you think is untruthful. You can -- you can take time
2 to read it.

3 A. It -- it would take a while, and there's a
4 lot.

5 Q. That's okay.

6 A. As I said, the order that Kira introduced that
7 there was a firearm in the vehicle omits some of the
8 details.

9 Q. But it's not false? It -- it could be more
10 complete? Is that what you're saying?

11 A. It could more accurately -- accurately reflect
12 that it was a casual vehicle stop for the first several
13 minutes of the vehicle stop.

14 Q. Okay.

15 A. Kira was the one who informed Officer
16 Hannawalt that my service weapon was in the locked
17 glove box.

18 Q. Are you saying you didn't tell Officer
19 Hannawalt that, but Kira did?

20 A. Correct.

21 Q. Okay.

22 A. Officer Hannawalt let us both know he was
23 speaking to us collectively, so . . . The way he
24 phrases it could be improved. When an officer wants to
25 write a derogatory report, he can go ahead and

1 I don't think he got a good enough look at my eyes to
2 notice whether or not my eyes were watery or not, but
3 more my admission that, yes, I was the driver -- I was
4 the passenger of a vehicle for the purpose of not
5 having a DUI.

6 Q. You don't know what he could see and what he
7 couldn't see, correct?

8 A. Just that, generally speaking, in his report,
9 he tends to side on things that would allow him to
10 include a derogatory impression.

11 Q. And I understand that, but you don't know what
12 Officer Hannawalt could see or could not see?

13 A. Okay.

14 Q. Isn't that a yes?

15 A. Yes.

16 Q. Okay.

17 A. It's a -- might be nitpicky, but for me, his
18 phrase that I got out of the car and stood up tall, I
19 am between 6 foot 2 and 6 foot 3. I've never heard of
20 anybody standing up short, so I have no idea what
21 standing up tall is.

22 But, again, it's that picture or that painting
23 that he's making that somehow I got out in a way that
24 is -- allows him to be more derogatory in his
25 statement.

1 Q. But you admit you got out of the car and stood
2 up, correct?

3 A. I got out of the car and stood up, correct.

4 Q. Were you agitated at this point?

5 A. I was annoyed.

6 Q. And -- and why were you annoyed?

7 A. If you look at the sentence before, he says we
8 were going over once again the chain of events during
9 the evening that led up to that point where she was
10 stopped for a burned out headlight.

11 Officer Hannawalt had asked Kira several times
12 about the events of that night while she was inside the
13 car. Then he asked her to exit the vehicle and go to
14 the back of the car, as he states in his report. And
15 he continued going over the same questions repeatedly
16 again and again. And it had gotten to a point where it
17 seemed like a broken record where he couldn't figure
18 out how to get out of the stop, but wouldn't get out of
19 the stop either.

20 Her answers were clear and concise. She
21 wasn't slurring her speech. There was nothing
22 inaccurate about her answers. And he should have been
23 able to draw the conclusion that if she had drank one
24 Guinness beer and was behaving in the way that she had
25 been behaving thus far, there was no reason to continue

1 to detain these people.

2 So I exited the vehicle, and I stood up. I
3 got out calmly and slowly, kept my hands in plain view
4 where he could see them so he had no reason to have
5 concern, and explained to him that he had been
6 detaining us long enough and that there was no need for
7 this to continue; that she had answered him repeatedly.

8 Q. And have you ever conducted a DUI
9 investigation?

10 A. During the course of my eight and a half years
11 with the border patrol, I had been present at a number
12 of DUI investigations. I've never conducted them
13 myself, but I have seen how one goes from probable
14 cause for a vehicle stop to, you know, going through
15 suspicion and articulable facts.

16 So I had seen that before, and I knew that
17 what I was witnessing was not -- not only not correct,
18 because I knew what Kira had done previously, but also
19 that there was something not correct about what was
20 occurring at this stop.

21 Q. Had you received training on DUI
22 investigations?

23 A. No.

24 Q. Okay. So fair to say you don't know whether
25 or not asking repeated questions is standard DUI

1 Q. Okay.

2 A. He says he is uncomfortable when Agent Beeman
3 first showed his badge at the beginning of the stop.

4 Q. Are you on the next page?

5 A. Yeah.

6 Q. Okay.

7 A. And as I said, that's not accurate. His --
8 pardon me, on the first page, the --

9 Q. Sorry, you're saying it's inaccurate that he
10 felt uncomfortable?

11 A. No, that -- that "Agent Beeman first showed
12 his badge at the beginning of the stop," the way he
13 described. I apologize. Going back to the first page,
14 the last full paragraph, he gives a shorter version of
15 Kira's answer that it's around 2:00 a.m. It's a --
16 it's not wrong, but it's introduced in a way that's
17 detrimental to her case and my case.

18 Q. Okay.

19 A. My recollection of the events is that Officer
20 Hannawalt did not advise me that I was being detained
21 at the time; that Officer Carroll, who was the one who
22 detained me, placed me in handcuffs and placed me in
23 Officer Hannawalt's vehicle, was the one who -- he was
24 a pleasant fellow. And was the one who explained to me
25 that, of course, I was just being detained for officer

1 safety, which I understand.

2 Q. And I'll stop you there. We have a video that
3 kind of kicks in right about here. So we'll --
4 we'll -- we don't need to go through the rest of the
5 report.

6 A. Okay.

7 Q. You just mentioned Officer Carroll --

8 MR. MOODY: Counsel, he's testified that
9 there were other false --

10 MR. PARKER: Oh.

11 MR. MOODY: -- things in the report, so
12 I'd like him to have the opportunity to fully go
13 through the report and explain what his -- he feels to
14 be untruthful.

15 Q. (By Mr. Parker) I understand that. And
16 you're welcome to do so.

17 A. Okay. So while Officer Carroll . . . Again,
18 this is a shortened version of it, but while Officer
19 Carroll was placing me in handcuffs and escorting me to
20 Officer Hannawalt's vehicle, I explained to Kira that
21 what they were doing was trying to find details that
22 had nothing to do with whether she was intoxicated or
23 not; that could simply be used to create articulable
24 facts to continue the way that they were. And that she
25 needed to stop speaking with them, stop cooperating

10am Armen Beeman - March 10, 2020

1 A. He had already detained us long enough, and it
2 had already gotten way out of hand. And he had
3 already -- he was telegraphing that Kira was getting a
4 DUI no matter what happened this night.

5 Q. And you wanted him to stop this investigation?

6 A. Immediately.

7 Q. Okay. Did he listen to you as you told him
8 these things?

9 A. He -- he listened to me. He agreed with me
10 about my articulable facts and that he could not
11 continue to articulate why this was a valid DUI stop
12 with the answers that she had given and wanted to
13 continue anyways.

14 Q. Okay. So he spoke with you and then went back
15 to Ms. Syester?

16 A. (Nodding.)

17 Q. Okay.

18 A. Yes.

19 Q. Sorry, that was --

20 A. Yes.

21 Q. -- a yes?

22 A. Yes, sir.

23 Q. Okay.

24 A. My understanding after I told Kira that she
25 needed -- that he needed to explain that talking to him

1 Q. Okay.

2 A. So anyway she -- yeah, she did not complete
3 the test because Officer Hannawalt did not have her
4 complete the test.

5 Q. But she also didn't complete the test because,
6 in the middle of it, she ran to the vehicle to yell at
7 you, correct?

8 A. Correct.

9 Q. Okay.

10 A. Syester did not follow instructions on blowing
11 into the tube and unit kept indicating insufficient
12 flow. I attempted several times on my PBT and used
13 Officer Carroll's on one occasion. And then he says,
14 "Syester blew through her nose on one occasion with my
15 PBT and then properly placed her lips and provided a
16 full breath sample. The PBT read .142."

17 The video will clearly show that the officers
18 had Kira try several times. Then they tried several
19 times. Then they announced that both PBTs were kaput.
20 And then, while the camera was away from Officer
21 Hannawalt and Kira Syester, Officer Hannawalt got it to
22 work. And she -- and asked her to blow into it one
23 more time.

24 Right before he got that reading of .142, I
25 observed Officer Hannawalt rubbing the -- the tube into

1 the palm of his hand. There was something in the palm
2 of his hand that I could see.

3 And when the -- when this whole event was over
4 and Kira and I were finally back together and after --
5 after I asked her if she was okay and, you know, sorry
6 about the way that the night had gone, I asked her --
7 the first thing I asked her was what was in his hand
8 when he -- right before he had you blow on that reading
9 that tested, and she explained to me that because both
10 herself and both of the officers had been blowing into
11 it, that he wiped it with something to clean the tube
12 so as not to spread germs.

13 Q. And earlier you put quotes over "got it to
14 work." What -- why did you put quotes over that?

15 A. I think anybody who watches that video will
16 look at it and go this stop was grossly incompetent.
17 That having two portable breath testers tried by three
18 different persons and the acknowledgement that they
19 weren't working and then magically on a last one, there
20 it is. That's the one we're going with. I think
21 anybody would have a problem with that. I think any
22 Court would have a problem with that.

23 Q. Do you dispute that he cleaned the PBT?

24 A. No. I believe he did with a wipe that
25 contained alcohol, as most disinfecting wipes do, in

1 order to prevent the spread of germs between himself
2 and Officer Carroll and Kira, and gave it back to her
3 with a recently wiped with disinfectant wipe that may
4 have caused a reading, if that thing was accurate at
5 all after being announced kaput.

6 Q. Do you have any knowledge or training on how
7 to work a PBT? And to be clear, these -- I'm referring
8 to a portable breath -- portable breathalyzer test.

9 A. I have some familiar -- personal familiarity
10 with them. And I'm aware that there are things besides
11 alcohol that can cause false positives.

12 Q. Do you have any knowledge as to whether or not
13 a wipe would cause a false reading?

14 A. I can't say for sure.

15 Q. So you don't have any knowledge?

16 A. I know that breath spray, breath wash, breath
17 mints, gum, other things can and do. And I have no
18 reason to believe that a disinfectant alcoholic wipe
19 would. If you're asking me whether I would trust it, I
20 absolutely would not. I mean, anybody would be an
21 idiot to blow into a -- a breathalyzer test that had
22 just been wiped with something.

23 Q. And, again, my question was a little
24 different. I asked if you have any knowledge, not a
25 belief, as to whether or not a wipe could cause a false

1 reading?

2 A. No.

3 Q. Okay. Do you have any knowledge that it would
4 cause a false reading of .142?

5 A. When I observed it occurring, where they were
6 demonstrating false positives, it would read anything
7 all over, up and down the scale. It could be a
8 mouthful of Listerine right after that would send it
9 off the charts. Chewing gum would be less.

10 Q. And do you have any firsthand knowledge as to
11 what Officer Hannawalt actually did to the PBT?

12 A. He wiped it with something.

13 Q. Okay.

14 A. And doesn't reference it in his report at all.

15 Q. Okay. Do you know if Ms. Syester ever
16 challenged the validity of that PBT test in her -- in
17 her case?

18 A. No. Because of the way that criminal
19 proceedings work and personal pressures, it never
20 became an item of issue.

21 Q. So she did not challenge the validity of a
22 .142 reading?

23 A. Challenging it became -- never became an item
24 of issue.

25 Q. Okay. So she didn't?

1 A. On her lawyer's advice, she did not, no.

2 Q. Okay. And you can keep going. I think you're
3 on the very last paragraph of the -- of 51.

4 A. I won't say the last page of this is lies, but
5 again, they're brief as -- and leave out a considerable
6 amount.

7 Q. Okay. You can keep that.

8 A. Okay.

9 Q. So we, at length, just went through Officer
10 Hannawalt's report. Is there anything else in here
11 that you take issue with that you think is a
12 misrepresentation besides what you've enumerated?

13 A. Yeah. Yes.

14 Q. Okay.

15 A. Officer Holmberg arrived at the scene --

16 MR. MOODY: Where are you at, Mr. --

17 A. The final paragraph where he says that
18 officer -- or final page, top paragraph, he doesn't put
19 in there that I asked Officer Holmberg about redoing
20 the traffic stop with Kira because Officer Hannawalt
21 had, in my opinion, performed a biased DUI stop. He
22 told me he wouldn't do that.

23 That it doesn't reflect any of the
24 conversations between myself and Officer Holmberg. It
25 doesn't reflect the conversation that existed after the

1 \$10,000, you know, in order to go through the process.
2 And attorneys -- you know, in this case, an attorney
3 was \$6,500. To get the car out of impound was \$450.
4 The expenses over an allegation as -- as unsettling as
5 this whole fiasco, just my annoyance with -- with the
6 situation.

7 Q. And I'm quoting here. Did you say -- and I'm
8 quoting -- for fuck's sake, knock it off?

9 A. Yeah.

10 Q. Okay. And what are you asking him to knock
11 off?

12 A. He's arresting a woman who is not drunk. He
13 is arresting a woman who is legally within her right to
14 drive from where we were to our house. I'm -- it's all
15 of that.

16 Q. You want him -- them to stop this
17 investigation?

18 A. That, from beginning to end, was my intent,
19 was for somebody other than Officer Hannawalt to take
20 over the investigation, because Officer Hannawalt was
21 dead set on I've pulled you over for a headlight
22 infraction and, whatever his reasons are, Kira was
23 going to get a DUI that night. And as I said, he was
24 telegraphing his intentions.

25 Q. And his -- and earlier you said that was my

10am Armen Beeman - March 10, 2020

1 intent. It was your intent to stop this investigation?

2 A. To have another officer do the investigation.

3 Q. And -- and for Officer Hannawalt to stop his
4 investigation?

5 A. Yes, sir.

6 MR. PARKER: Okay. Continuing playing
7 at minute 43.

8 (Video playing.)

9 MR. PARKER: I'm stopping that at minute
10 one -- one minute, 14 seconds.

11 Q. (By Mr. Parker) Listening to this video and
12 what little bit you can see of yourself, do you believe
13 you were -- are intoxicated?

14 A. Again, I don't know how to answer that
15 question. Made the right choice to not be driving. I
16 was definitely feeling the effects, but whether I --
17 but I was definitely able to process what was going on
18 around. I was definitely -- you know, like I said, I
19 stayed on point with my comments that I was yelling.

20 I never directed insults at the officers. I
21 never threatened the officers. I never did anything
22 other than stick to where is the supervisor, you know,
23 where -- she has an attorney.

24 So it's a question that can't be answered
25 other than, yes, I had consumed alcohol, but more or

REPORTER'S CERTIFICATE

I, MINDI L. PETTIT, the undersigned Certified Court Reporter pursuant to RCW 5.28.010 authorized to administer oaths and affirmations in and for the State of Washington, do hereby certify that the sworn testimony and/or proceedings, a transcript of which is attached, was given before me at the time and place stated therein; that any and/or all witness(es) were duly sworn to testify to the truth; that the sworn testimony and/or proceedings were by me stenographically recorded and transcribed under my supervision, to the best of my ability; that the foregoing transcript contains a full, true, and accurate record of all the sworn testimony and/or proceedings given and occurring at the time and place stated in the transcript; that a review of which was requested; that I am in no way related to any party to the matter, nor to any counsel, nor do I have any financial interest in the event of the cause.

WITNESS MY HAND AND DIGITAL SIGNATURE this 19th day of March 2020.



MINDI L. PETTIT

Washington State Certified Court Reporter, #2519

mindy.pettit.courtreporter@comcast.net

VERITEXT LEGAL SOLUTIONS
COMPANY CERTIFICATE AND DISCLOSURE STATEMENT

Veritext Legal Solutions represents that the foregoing transcript is a true, correct and complete transcript of the colloquies, questions and answers as submitted by the court reporter. Veritext Legal Solutions further represents that the attached exhibits, if any, are true, correct and complete documents as submitted by the court reporter and/or attorneys in relation to this deposition and that the documents were processed in accordance with our litigation support and production standards.

Veritext Legal Solutions is committed to maintaining the confidentiality of client and witness information, in accordance with the regulations promulgated under the Health Insurance Portability and Accountability Act (HIPAA), as amended with respect to protected health information and the Gramm-Leach-Bliley Act, as amended, with respect to Personally Identifiable Information (PII). Physical transcripts and exhibits are managed under strict facility and personnel access controls. Electronic files of documents are stored in encrypted form and are transmitted in an encrypted fashion to authenticated parties who are permitted to access the material. Our data is hosted in a Tier 4 SSAE 16 certified facility.

Veritext Legal Solutions complies with all federal and State regulations with respect to the provision of court reporting services, and maintains its neutrality and independence regardless of relationship or the financial outcome of any litigation. Veritext requires adherence to the foregoing professional and ethical standards from all of its subcontractors in their independent contractor agreements.

Inquiries about Veritext Legal Solutions' confidentiality and security policies and practices should be directed to Veritext's Client Services Associates indicated on the cover of this document or at www.veritext.com.